

AGENDA MEMO

CITY COUNCIL MEETING DATE: JUNE 20, 2007

DEPARTMENT: PLANNING AND DEVELOPMENT

**ITEM DESCRIPTION: VAR-20472 - APPLICANT: FAIRFIELD RESIDENTIAL, LLC -
OWNER: PN II, INC.**

**** CONDITIONS ****

Staff recommends DENIAL. The Planning Commission (6-0 vote) recommends APPROVAL, subject to:

Planning and Development

1. Approval of and conformance to the Conditions of Approval for General Plan Amendment (GPA-20474), Rezoning (ZON-20479), and Site Development Plan Review (SDR-20480) shall be required.
2. This approval is limited to a maximum height of 44 feet and three-stories.
3. This approval shall be void two years from the date of final approval, unless a certificate of occupancy has been issued or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a Variance to allow building heights of up to three stories in a proposed R-4 (High Density Residential) zoning district where only a maximum of two stories are allowed for a 414-unit multi-family residential development on 15.54 acres located on the south side of Centennial Parkway approximately 350 feet east of Puli Road. The project site currently consists of three undeveloped parcels of land at the western edge of the city's jurisdiction that has previously been approved for a 118-lot single family residential development that was approved at three stories. The variance request is due to a self-imposed hardship and denial of this request is recommended.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
07/20/05	The City Council approved an Annexation (ANX-5163) of approximately 60 acres generally located south of Centennial Parkway, east of Puli Drive. The Planning Commission and staff recommended approval. The effective date was 07/29/05.
08/11/05	The Planning Commission accepted the applicant's request to Withdraw Without Prejudice a Variance (VAR-7539) to allow a reduction in the amount of required open space in conjunction with a proposed single-family residential development on the subject site. Staff had recommended denial of the Variance.
09/07/05	The City Council approved a Rezoning (ZON-7536) from U (Undeveloped) [PCD (Planned Community Development) Master Plan Designation] to R-PD8 (Residential Planned Development – 8 Units per Acre) and a Site Development Plan Review (SDR-7537) for a proposed 120-lot single-family residential development on 15 acres encompassing the subject site. The Planning Commission recommended approval. Staff recommended denial of both requests.
06/07/06	The City Council approved a Rezoning (ZON-12345) from U (Undeveloped) [PCD (Planned Community Development) Master Plan Designation] under Resolution of Intent to R-PD8 (Residential Planned Development – 8 Units per Acre) to PD (Planned Development) and a Site Development Plan Review (SDR-12342) for a proposed 118-lot single family residential development on the subject site. The Planning Commission and staff recommended approval of both requests.
06/22/06	The Planning Commission approved a Tentative Map (TMP-13538) for a proposed 118-lot single-family residential subdivision. Staff recommended approval.

12/20/06	The City Council approved a Vacation (VAC-17077) to vacate U.S. Government Patent Easements generally located south of Centennial Parkway, west of Schaumber Road. The proposal was to vacate 33-foot wide patent easements along perimeter property lines. The Planning Commission and staff recommended approval.
02/09/07	Staff administratively approved a Final Map Technical Review (FMP-19136) for a proposed 118-lot single-family residential subdivision. This map has not been submitted for Mylar review or recorded as of 04/12/07.
05/24/07	The Planning Commission recommended approval of companion items GPA-20474, ZON-20479 and SDR-20480 concurrently with this application. The Planning Commission voted 6-0 to recommend APPROVAL (PC Agenda Item #28/rts).
<i>Related Building Permits/Business Licenses</i>	
There are no active or pending building permits or business licenses for this site.	
<i>Pre-Application Meeting</i>	
03/13/07	A pre-application meeting was held and elements of this application were discussed. At this meeting the GPA and changes to the zoning request were suggested. Submittal requirements were discussed.
<i>Neighborhood Meeting</i>	
03/26/07	A neighborhood meeting was held at Mountain Crest Community Center, 4701 North Durango Drive. Two members of the public attended. Comments included concerns with traffic, whether Centennial Parkway would go through or over the freeway, requests that the views to the northwest not be obscured, and lighting issues. The applicant responded the on-site light stands would be no higher than ten feet. Citizens were not opposed.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Gross Acres	15.54

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Undeveloped	PCD (Planned Community Development) [Proposed: H (High Density Residential)]	PD (Planned Development) [Proposed: R-4 (High Density Residential)]

North	Undeveloped	PCD (Planned Community Development)	PD (Planned Development) [RSL (Residential Small Lot) Cliff's Edge Special Land Use Designation]
South	Undeveloped	PF (Public Facilities)	U (Undeveloped) [PF (Public Facilities) General Plan Designation]
		PF-CC (Public Facilities – Clark County Designation)	Clark County
East	Undeveloped	PCD (Planned Community Development)	U (Undeveloped) [PCD (Planned Community Development) General Plan Designation]
West	Undeveloped	PCD (Planned Community Development)	U (Undeveloped) [PCD (Planned Community Development) General Plan Designation]

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan		X	N/A
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts			
PD (Planned Development) District	X		N*
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

* The PD (Planned Development) district is proposed to be changed by a companion Rezoning (ZON-20479).

DEVELOPMENT STANDARDS

Pursuant to Title 19.08, the following development standards apply:

Standard	Required/Allowed	Provided	Compliance
Min. Lot Size	6,500 SF	> 6,500 SF	Y
Min. Setbacks <ul style="list-style-type: none">• Front• Side• Corner• Rear	10 Feet 5 Feet 5 Feet 20 Feet	> 10 Feet > 5 Feet > 5 Feet 20 Feet	Y Y Y Y
Min. Distance Between Buildings	10 Feet	> 10 Feet	Y
Max. Building Height	2-stories or 35 Feet (whichever is less)	3-stories / 40 Feet	N*
Trash Enclosure	Screened and Gated	Screened and Gated	Y
Mech. Equipment	Screened	Screened	Y

* This variance would allow three-story buildings where only two-story buildings are permitted in an R-4 zoning district. If approved this variance would allow relief from the city standard.

ANALYSIS

The subject site is designated PCD (Planned Community Development) on the Centennial Hills Sector Map of the General Plan. There is an amendment to the General Plan (GPA-20474) that proposes to change the designation to H (High Density Residential). This designation allows development such as multi-family plexes, townhouses, high density apartments, and high-rise residential. The category allows 25 or more units per acre. The project proposes to site a multi-family residential development consisting of three-story buildings. The proposed development is in compliance with the proposed H (High Density Residential) designation.

The companion Rezoning (ZON-20479) proposes to change the site's zoning from PD (Planned Development) to R-4 (High Density Residential). An R-4 (High Density Residential) zoning district is intended to provide for the development of a variety of multi-family units such as duplexes, townhouses and high density apartments. The proposed multi-family residential use at this location is permissible in an R-4 (High Density Residential) zoning district which is compatible with the H (High Density Residential) General Plan designation.

The site encompasses three parcels with proposed buildings built at or across the lot lines. Additionally, should the parcels in the future become separate developments the site will be placed out of conformance with the development standards established for the proposed R-4 (High Density Residential) zoning district. For this reason a condition has been added to this review that prior to the issuance of any building or grading permits that a reversionary parcel map or administrative joining consolidating the parcels be recorded.

The building elevations illustrate three-story buildings of contemporary design. The previous site development plan review (SDR-12342) approved single family homes of three stories at this location. The maximum proposed height for buildings developed on the site would be 40 feet. The proposed heights exceed the height limitation for an R-4 (High Density Residential) zoning district; therefore necessitating this variance.

This variance has been submitted in conjunction with a proposed General Plan Amendment (GPA-20474) to change the designation to H (High Density Residential); Rezoning (ZON-20479) to R-4 (High Density Residential); and a Site Development Plan Review (SDR-20480) to site the proposed 414-unit multi-family residential development.

Due to the self-imposed hardship that the proposed building heights engender and incompatibility of the accompanying applications with the surrounding present and future land use designations, staff is recommending denial of this variance request.

FINDINGS

In accordance with the provisions of Title 19.18.070(B), Planning Commission and City Council, in considering the merits of a Variance request, shall not grant a Variance in order to:

1. Permit a use in a zoning district in which the use is not allowed;
2. Vary any minimum spacing requirement between uses;
3. Relieve a hardship which is solely personal, self-created or financial in nature.”

Additionally, Title 19.18.070L states:

“Where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of enactment of the regulation, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of the piece of property, the strict application of any zoning regulation would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon, the owner of the property, a variance from that strict application may be granted so as to relieve the difficulties or hardship, if the relief may be granted without substantial detriment to the public good, without substantial impairment of affected natural resources and without substantially impairing the intent and purpose of any ordinance or resolution.”

No evidence of a unique or extraordinary circumstance has been presented, in that the applicant has created a self-imposed hardship by proposing building heights that exceed the maximum height allowed in the proposed R-4 (High Density Residential) zoning district. Proposing buildings of two stories would allow conformance to the Title 19 requirements. In view of the absence of any hardships imposed by the site's physical characteristics, it is concluded that the applicant's hardship is preferential in nature, and it is thereby outside the realm of NRS Chapter 278 for granting of Variances.

PLANNING COMMISSION ACTION

Condition #2 was added by the Planning Commission.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 8

ASSEMBLY DISTRICT 13

SENATE DISTRICT 9

NOTICES MAILED 43 by City Clerk

APPROVALS 0

PROTESTS 0